

**Senate Bill No. 123**

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Passed the Senate September 11, 2007

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*Secretary of the Senate*

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Passed the Assembly September 11, 2007

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to add Sections 60852.1, 60852.2, and 60852.3 to the Education Code, relating to the high school exit examination.

## LEGISLATIVE COUNSEL'S DIGEST

SB 123, Romero. High school exit examination.

(1) Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Each pupil completing grade 12 is required to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or graduation from high school.

Existing law, until December 31, 2007, requires a school district or state special school to grant a high school diploma to a pupil with a disability who is scheduled to graduate from high school in 2007, has not passed the high school exit examination, has not received a high school exit examination waiver, and meets other specified criteria. A school district or state special school that fails to grant a high school diploma to that pupil is required to submit certain documentation to the state board within 15 days after its determination that the pupil does not meet the specified criteria, and requires the board to review that failure to grant a high school diploma, as provided. The state board is authorized to direct the school district or state special school to grant a high school diploma to the pupil if the state board finds that the pupil meets the specified criteria. The school district or state special school also is required to report to the Superintendent certain information, including the number of pupils granted diplomas in this manner.

This bill would require a school district or state special school to grant a high school diploma to a pupil with a disability who is scheduled to graduate from high school in 2008, has not passed the high school exit examination, has not received a high school exit examination waiver, and meets other specified criteria. A school district or state special school that fails to grant a high school diploma to that pupil would be required to continue to

submit, within 15 days after its determination that the pupil does not meet the specified criteria, certain documentation to the state board for its review, and the state board would be required to review that failure to grant a high school diploma, as provided. The school district and state special school would also be required to continue submitting to the Superintendent the information regarding these provisions, including the number of pupils granted diplomas in this manner. The continuation of these requirements for school districts would impose a state-mandated local program.

The bill would require the Superintendent of Public Instruction to convene a panel, composed as specified, to make recommendations regarding the standardized evidence-based assessment for eligible pupils with disabilities, as defined, and would require the State Board of Education by November 1, 2008, to adopt regulations based upon the recommendations of the panel. The Superintendent would be authorized to administer the standardized evidence-based assessment for eligible pupils with disabilities on a statewide or regional basis, or to contract with a qualified entity to provide any of the services necessary to administer the standardized evidence-based assessment on a statewide or regional basis. The Superintendent would be required to provide to the budget committees of the Legislature and the Department of Finance, by January 17, 2008, a cost estimate and expenditure plan for the implementation of these provisions.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. It is the intent of the Legislature to provide eligible pupils with disabilities who have fulfilled all of the requirements for a high school diploma except passage of the high school exit examination the opportunity to receive a diploma by demonstrating through a standardized evidence-based assessment

that they have acquired the same knowledge and skills as required to pass the high school exit examination.

SEC. 2. Section 60852.1 is added to the Education Code, to read:

60852.1. (a) The Superintendent shall convene a panel to make recommendations regarding a standardized evidence-based assessment for eligible pupils with disabilities.

(1) The panel shall be composed of educators and other individuals who have experience with the population of pupils eligible for a standardized evidence-based assessment, as defined in Section 60852.2, or who have expertise with multiple forms of assessment, or both. The panel shall reflect the demographic and geographic diversity of California. A majority of the panel shall be classroom teachers.

(2) The panel shall make recommendations regarding all of the following:

(A) The evidence that an eligible pupil with a disability may submit to demonstrate that the pupil has achieved the same competence in the content standards in English language arts or mathematics, or both, required for passage of the high school exit examination. Examples of this evidence include, but need not be limited to, all of the following:

(i) Portfolios of previously completed pupil work.

(ii) Performance of assigned tasks designed to demonstrate the pupil's competence on specified content standards.

(iii) Performance on those parts of the exit examination the pupil has not passed or on other standardized tests aligned with the content standards that demonstrate the pupil has mastered certain content standards.

(B) Scoring rubrics or other scoring systems designed to ensure that the evidence submitted demonstrates that the pupil has achieved the same competence in the content standards required for passage of the exit high school examination.

(C) Processes to ensure that the form, content, and scoring of evidence for a standardized evidence-based assessment are applied uniformly across the state.

(3) The panel shall make its recommendations to the Superintendent and to the state board by July 1, 2008.

(b) By November 1, 2008, the state board shall adopt regulations for the standardized evidence-based assessment for eligible pupils

with disabilities, as defined in Section 60852.2, based upon the recommendations of the panel. The regulations, at a minimum, shall specify all of the following:

(1) The form, content, and scoring of evidence that a pupil may submit to demonstrate that the pupil has achieved the same competence in the statewide content standards necessary to pass the high school exit examination.

(2) The timelines under which evidence may be submitted and the manner in which the pupil and the school district in which the pupil is enrolled shall be timely notified of results of the standardized evidence-based assessment.

(c) The Superintendent may administer the standardized evidence-based assessment for eligible pupils with disabilities on a statewide or regional basis, or may contract with a qualified entity to provide any of the services necessary to administer the standardized evidence-based assessment on a statewide or regional basis. The Superintendent or contractor, as applicable, shall provide the training necessary for the uniform statewide implementation of the standardized evidence-based assessment. By January 17, 2008, the Superintendent shall provide to the budget committees of the Legislature and the Department of Finance a cost estimate and expenditure plan for the implementation of this section and Section 60852.2.

SEC. 3. Section 60852.2 is added to the Education Code, to read:

60852.2. (a) For purposes of this chapter, “eligible pupil with a disability” means a pupil who meets all of the following criteria:

(1) The pupil has an operative individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a)) that indicates that the pupil has an anticipated graduation date and is scheduled to receive a high school diploma on or after January 1, 2009.

(2) The pupil has not passed the high school exit examination.

(3) The school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local requirements for the receipt of a high school diploma on or after January 1, 2009.

(4) The pupil has attempted to pass those sections not yet passed of the high school exit examination at least twice after grade 10, including at least once during the current enrollment of the pupil in grade 12, with the accommodations or modifications, if any, specified in the individualized education program or the Section 504 plan of the pupil.

(b) Commencing January 1, 2009, an eligible pupil with a disability, or his or her parent or legal guardian, may submit evidence for a standardized evidence-based assessment in the manner prescribed by the regulations adopted pursuant to Section 60852.1.

(c) An eligible pupil with a disability shall be deemed to have satisfied the requirements of Section 60851 for those parts of the high school exit examination that the pupil has not passed if the school district in which the pupil is enrolled is notified that the results of a standardized evidence-based assessment demonstrate that the pupil has achieved the same competence in the statewide content standards as the competence that is necessary to pass the high school exit examination.

SEC. 4. Section 60852.3 is added to the Education Code, to read:

60852.3. (a) Notwithstanding any other provision of law, a school district or state special school, as designated in Sections 59000 and 59100, shall grant a high school diploma to a pupil with a disability who is scheduled to graduate from high school in 2008, has not passed the high school exit examination or is eligible for a waiver pursuant to subdivision (c) of Section 60851, and has not received a waiver pursuant to subdivision (c) of Section 60851, if all of the following criteria are met:

(1) The pupil has an operative individualized education program adopted pursuant to the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 (a)).

(2) The individualized education program or Section 504 plan of the pupil, that is dated on or before July 1, 2007, indicates that the pupil has an anticipated graduation date, and is scheduled to receive a high school diploma on or before December 31, 2008.

(3) The school district or state special school certifies that the pupil has satisfied or will satisfy all other state and local

requirements for the receipt of a high school diploma on or before December 31, 2008.

(4) The pupil has attempted to pass those sections not yet passed of the high school exit examination at least twice after grade 10, including at least once during the current grade 12 year of the pupil, with the accommodations or modifications, if any, specified in the individualized education program or the Section 504 plan of the pupil.

(5) (A) Either (i) the pupil received remedial or supplemental instruction focused on those sections not yet passed of the high school exit examination from his or her school, private tutoring, or another source, or (ii) the school district or state special school failed to provide the pupil with the opportunity to receive that remedial or supplemental instruction.

(B) If the pupil received remedial or supplemental instruction as described in clause (i) of subparagraph (A), the pupil has taken those sections not yet passed of the high school exit examination at least once following the receipt of that remedial or supplemental instruction. This subparagraph shall not apply if following the receipt of that remedial or supplemental instruction, there is no further administration of the examination on or before December 31, 2008.

(6) No later than 30 days prior to the receipt of a diploma in 2008, the pupil, or the parent or legal guardian of the pupil if the pupil is a minor, has been notified in writing pursuant to Section 300.503 of Title 34 of the Code of Federal Regulations that the pupil is entitled to receive free appropriate public education up to and including the academic year during which the pupil reaches the maximum age pursuant to subdivision (c) of Section 56026, or until the pupil receives a high school diploma, whichever event occurs first.

(b) A school district or state special school shall submit documentation relating to the denial of a high school diploma on or before December 31, 2008, pursuant to this section, to the state board within 15 days of the determination that the pupil with a disability who is scheduled to graduate from high school in 2008, does not meet the criteria stated in subdivision (a). The state board shall review any denial of a high school diploma by a school district or state special school pursuant to this section no later than its next regularly scheduled meeting, occurring at least 30 days after receipt

of the above documentation from the school district or state special school. If the state board finds that the pupil meets the criteria stated in subdivision (a), the state board may require the school district or state special school to grant a high school diploma to the pupil.

(c) Each school district and state special school shall report to the Superintendent, in a manner and by a date determined by the Superintendent, all of the following information:

(1) Documentation of the procedure used to implement this section.

(2) The number of pupils granted diplomas pursuant to this section.

(3) Any additional information determined to be in furtherance of this section.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

















Approved \_\_\_\_\_, 2007

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*Governor*